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INFO RUCNASE/ASEAN MEMBER COLLECTIVE
RUEHGG/UN SECURITY COUNCIL COLLECTIVE
RUEHBY/AMEMBASSY CANBERRA 1990
RUEHNE/AMEMBASSY NEW DELHI 5467
RUEHUL/AMEMBASSY SEOUL 9061
RUEHKO/AMEMBASSY TOKYO 6637
RUEAIIA/CIA WASHDC
RHHMUNA/CDR USPACOM HONOLULU HI
RUEHGV/USMISSION GENEVA 4450
RHEHNSC/NSC WASHDC
RUCNDT/USMISSION USUN NEW YORK 2443
RUEKJCS/SECDEF WASHDC
RUEHBS/USEU BRUSSELS
RUEKJCS/JOINT STAFF WASHDC

C O N F I D E N T I A L SECTION 01 OF 03 RANGOON 000312

SIPDIS

STATE FOR EAP, IO, AND CA/OCS/ACS/EAP; PACOM FOR FPA

E.O. 12958: DECL: 05/26/2017

TAGS: [CASC](#) [PGOV](#) [PHUM](#) [PREL](#) [BM](#)

SUBJECT: BURMA: AUNG SAN SUU KYI HOUSE ARREST ORDER
LIFTED, BUT SHE REMAINS IN CUSTODY; YETTAW TAKES THE STAND

REF: A. RANGOON 302

[1](#)B. RANGOON 310

Classified By: Political Officer Sean K. O'Neill for Reasons 1.4 (b) &
(d)

Summary

[1](#)1. (C) Before the start of the Aung San Suu Kyi (ASSK) trial session on May 26, Police Director General Khin Yi told her that the GOB would lift her house arrest order on its May 27 expiration date. However, Aung San Suu Kyi remains in custody at an Insein prison guest house because of the Yettaw incident and still faces charges with a maximum sentence of five years' imprisonment. Yettaw and ASSK's two aides took the stand on May 27. Yettaw testified for nearly four hours and appeared intent on taking all blame for his intrusion into ASSK's home. ASSK was present for the entire hearing and appeared in good spirits but never looked at Yettaw. Judges denied three of the defense's four proposed witnesses.

[1](#)2. (C) Meanwhile, at a May 27 NLD ceremony to mark the 19th anniversary of the 1990 elections, Central Executive Committee (CEC) members led a prayer service for ASSK's release and renewed their call for dialogue with the regime. Following the ceremony, Charge privately told CEC member Khin Maung Swe that he had relayed the NLD's urgent request for dialogue to the Minister of Home Affairs during a May 21 meeting (Ref A). End summary.

ASSK House Arrest Order Lifted - But She Remains in Custody

[1](#)3. (SBU) Before the start of ASSK's trial session on May 26, Police Director General Khin Yi told Aung San Suu Kyi and her lead defense attorney U Kyi Win (aka Neville) that the GOB would lift her house arrest order which was to expire on May 27, according to NLD spokesman and ASSK lawyer Nyan Win. However, Aung San Suu Kyi remains in custody facing criminal charges that carry a maximum sentence of five years' imprisonment. At the May 27 NLD event, CEC member Khin Maung Swe told Charge he believes the GOB would have extended the house arrest for an additional six months were it not for the Yettaw incident, which gave the regime a new justification to

keep her out of circulation. So far the GOB has made no public announcement that it has lifted ASSK's house arrest order; and per Ref B, senior police officials in a May 26 briefing for the diplomatic corps asserted the right to extend her house arrest through at least November 2009 (Ref B).

ASSK/Yettaw Trial

¶4. (C) ASSK's two aides and John Yettaw took the stand at the May 27 trial session. Yettaw testified for nearly four hours. He was occasionally agitated, but was coherent. Aung San Suu Kyi was present for the entire hearing. She signed her written statement from the previous day (Ref B), and appeared in good spirits but refused to look at Yettaw. After being sworn in (on a bible), Yettaw described how he had entered the grounds of ASSK's compound in November 2008 and her residence in May 2009. He recounted how he had prayed and left a Book of Mormon at ASSK's back door in November before he was caught swimming away by a soldier, who let him go.

¶5. (C) Turning to his entry in May 2009, Yettaw asserted that ASSK had "absolutely no knowledge" of what he was doing. He explained that he decided to visit her home because he had a vision ASSK would be assassinated and he did not want the Burmese government blamed for it. When prosecutors asked if his intention was to discredit the Special Branch of police or security forces he became animated, declaring, "My

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sole intention is to honor Myanmar. In my vision a terrorist shot and killed her and the government was blamed. I came here to honor Daw Suu and the government." Yettaw's attorney then questioned him about his Vietnam War experience and post traumatic stress disorder.

¶6. (C) Yettaw appeared to be trying to absolve ASSK and her assistants of any wrongdoing, saying ASSK refused his proffered gifts and tried to obey the law. In response to prosecutors, who seemed intent on tying Yettaw to outside exile organizations, Yettaw said he had visited Dr. Cynthia Maung's clinic in Mae Sot, Thailand, 10 times. Prosecutors asked if he was aware the clinic was "a base for opposition to the GOB" and Yettaw said he was not. Prosecutors asked if Yettaw was familiar with the Thailand-based Assistance Association for Political Prisoners; he said he was not.

¶7. (C) Judges questioned ASSK's two live-in aides for about 25 minutes each. Both women acknowledged giving Yettaw food and shelter on the instructions of ASSK, but denied knowing any of the restrictions placed on ASSK as a condition of her house arrest.

¶8. (C) Judges refused three of the defense's four planned witnesses: NLD Vice-Chair Tin Oo, CEC member Win Tin, and one NLD lawyer from Irrawaddy Division. They provided no explanation. Another NLD lawyer, Kyi Win (no relation to Neville) from Shan State, will testify for the defense in coming days. The trial will resume May 28.

NLD Prays for ASSK Release at 1990 Election Anniversary

¶9. (SBU) Meanwhile, at a May 27 ceremony at NLD Headquarters to mark the 19th anniversary of the 1990 elections, NLD CEC members led a candlelight prayer service to call for ASSK's release. Charge, along with UK, Australian, French, German, and Italian Ambassadors, attended. NLD officials read a statement, issued in honor of the election anniversary, which stressed the need for the regime to enter into dialogue with the opposition. The statement repeated the stipulations of the party's Shwegondaing Declaration, issued in April, which stated the party will consider participating in the 2010 elections

provided the regime releases all political prisoners, reviews and amends the constitution, and holds a free and fair election under international supervision.

NLD Request for Dialogue

¶10. (C) Following the ceremony, Charge privately informed CEC member Khin Maung Swe of having fulfilled the latter's request to accent to the regime the NLD's sincere desire for dialogue during a May 21 meeting with the Minister of Home Affairs (Ref A). Charge noted that the Minister reacted negatively, but promised to relay the message to the top generals. Khin Maung Swe thanked the Charge and noted that regime officials are notoriously stubborn.

Handbills Accuse NLD of Plotting Uprising

¶11. (C) During the NLD ceremony, witnesses told us someone drove by NLD Headquarters and threw out handbills accusing the NLD of involvement in preparations for an uprising in connection with "Insein" (referring to the trial of Aung San Suu Kyi being held at Insein Prison). We obtained a copy of the handbill, which accuses the NLD of supporting plans for terrorist acts to gain support of the U.S. and other Western governments. The handbill calls for ASSK's trial to proceed in accordance with the law. A previously unknown organization, calling itself the "United Students Organization of Burma" and using as its logo a corruption of the NLD's traditional peacock, signed the handbill, claiming

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it has to warn Rangoon residents to report suspicious activities to the authorities.

Comment

¶12. (C) It is always possible, anything is possible, that the court will acquit ASSK and she will, for the moment, go free, always subject to being detained again with a new six-year clock ticking. However, given that the regime's courts nearly always deal harshly with political opponents and given the coming 2010 elections, the odds are that the reported move by the regime to end ASSK's house arrest will not actually free her at all. Assuming she is convicted, the basis -- and possibly the location -- of her detention could change, but the effect would be the same: isolation from her party and the Burmese people, and an inability to participate in and shape the political process.

DINGER